

Office Memorandum • UNITED STATES GOVERNMENT

TO : Executive

DATE: 10 January 1950

FROM : Legal Staff

SUBJECT: Interruption of Continuous Foreign Service for Home Leave Accrual.
OGC HAS REVIEWED.

1. The basic memorandum from the Acting Chief, Finance Division, dated 13 December 1949, raises the question of whether two years "continuous service abroad", requisite for home leave, is interrupted by:

a. Emergency leave taken in the United States at the employee's expense, or

b. Leave taken in the United States incidental to TDY in Washington.

2. As indicated in the Comptroller's opinion of 19 Comp. Gen. 750, there is no question of interruption of continuous service when the employee's presence in the United States is required for official duty on orders of the Agency. However, this is the only opinion which has been rendered on the question.

3. It is our understanding that the State Department considers both emergency leave and leave taken in conjunction with temporary duty in the United States as a break in "continuous service abroad."

4. We concur in the opinion of the Budget Officer indicated in paragraph 4 of his memorandum dated 5 January 1950, insofar as it appears desirable to submit the question to the Comptroller General regarding a break in service when leave is taken incidental to TDY in the United States. Although there is no question of governmental expense involved in "emergency leave", we do not, on the other hand, believe there is a clear distinction in the two situations. Either type of absence may possibly be construed as a break in continuous service abroad, and for that reason it is suggested that both questions be submitted to the Comptroller for decision in order to resolve a legitimate doubt about two points he has not yet considered.

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Attach:

1. Memo from Finance Div. dtd 13 Dec. 1949
2. Memo from Budget Officer dtd 5 January 1950